

## PLANNING COMMISSION MINUTES

Gardner, Kansas  
Monday, January 22, 2007

The Planning Commission met in regular session on the above date at the Gardner City Hall, 120 E. Main Street, Gardner, Kansas.

### I. Call to Order

Chairman Stephen Koranda called the meeting to order at 7:04 p.m. Commissioners present: Paul Kilgore, Greg Godwin, Eileen Mertz, Eric Schultz, and Jason Burnett. Commissioners absent: Dan Popp. Also present: Community Development Director Fred Sherman; Planner Erik Pollom; applicant Matt Mabe of Jabez Development, Inc.; engineer for the applicant Joel Riggs of Peridian Group, Inc.; and one interested citizen.

### II. Approval of Minutes

The minutes of the January 8, 2007, meeting, were approved by unanimous consent.

### III. Consent Items

#### 1. PP-06-03

**Consider a Preliminary Plat for Park Place Estates, a 40 acre single family residential development located on the west side of Gardner Road, ½ mile north of 167<sup>th</sup> Street. The application is filed by Tony Plunkett; with engineering services provided by Allenbrand-Drews & Associates, Inc. *This item is to be tabled to an indefinite date per applicant request.***

1. **APPLICANT:** The applicant is Tony Plunkett; with engineering services provided by Allenbrand-Drews & Associates, Inc.
2. **REQUESTED ACTION:** The applicant requests preliminary plat approval for a 137 lot single family residential development on 40 acres.
3. **LOCATION:** The subject property is located on the west side of Gardner Road, ½ mile north of 167<sup>th</sup> Street.
4. **EXISTING ZONING:** The property is currently zoned R-1, Single Family Residential (Z-06-12).
5. **STAFF ANALYSIS OF THE APPLICATION:** At the December 11, 2006, meeting, the Planning Commission voted to table consideration of this item to the January 22, 2007, meeting at the applicant's request. Since that meeting, the applicant has worked with staff on a possible revised layout. Because the revision process is not complete, it is necessary for the item to be table to an indefinite date, again per the applicant's request.
6. **STAFF RECOMMENDATION:** Staff recommends that the Planning Commission table consideration of PP-06-03 to an indefinite date to allow the applicant time to complete revisions.

Motion Mertz, second Kilgore, to table the Preliminary Plat for Park Place Estates (PP-06-03) to an indefinite date. Motion to Table Carried: 6 to 0 Aye (Popp: Absent)

### IV. Agenda Items

#### 1. Z-06-09; PDP-06-09

**Conduct a public hearing and consider rezoning property from A (Agricultural District) to RP-3 (Planned Garden Apartment District) for a 10.07 acre property located on the southeast corner of the 167<sup>th</sup> Street/Waverly Road intersection. The application is filed by Jabez Development, Inc.; with engineering services provided by Peridian Group, Inc.**

Chairman Koranda opened the public hearing at 7:07 p.m.

Planner Pollom presented the staff report.

1. **APPLICANT:** Jabez Development, Inc., is the applicant; with engineering services provided by Peridian Group, Inc.

2. **REQUESTED ACTION:** The applicant requests rezoning of 10.07 acres from A (Agricultural District) to RP-3 (Planned Garden Apartment District).
3. **LOCATION:** The 10.07 acre property is located on the southeast corner of the 167<sup>th</sup> Street and Waverly Road intersection.
4. **EXISTING ZONING:** The property is currently zoned A (Agricultural District) upon annexation into the City of Gardner (Ord 2172).
5. **CHARACTER OF THE NEIGHBORHOOD:** The subject property is adjoined by undeveloped agricultural land to the west, unincorporated agricultural land to the east, single family residential, in Megan Valley, to the northwest, and developing single family uses to the south. A rezoning request for commercial uses for the property to the north was denied by the City Council, and it retains the original agricultural zoning.
6. **LAND USE AND ZONING PATTERNS:** The surrounding properties are zoned R-1, Single Family Residential District, to the south and northwest; A, Agricultural District, to the west and north; RP-1, Planned Single Family Residential District, nearby to the northeast; and Johnson County zoning RUR for Rural, Agricultural uses and single family dwellings to the east.
7. **CONFORMANCE TO THE COMMUNITY DEVELOPMENT PLAN:** The Gardner Community Development Plan - 2003 denotes urban residential land uses and low-density residential development uses for this immediate area. The Community Development Plan attempts to expand housing opportunities by targeting various residential densities. Three residential land use categories are depicted on the Development Plan Map. The categories are distinguishable by the density of development allowed in each:
  - Low-Density: Greater than 1 and less than or equal to 6 units per acre
  - Medium-Density: Greater than 6 and less than or equal to 15 units per acre
  - High-Density: Greater than 15 units per acreRezoning the property to RP-3, Planned Garden Apartment District, with the currently proposed 9.5 units per acre, would not strictly follow the intent and policies of the plan. However, roughly half of this property is encumbered by flood plain that greatly constricts the developable portion of the property to the point that it does not support the dimensions required for a street with single family homes.
8. **STAFF ANALYSIS OF THE APPLICATION:** The preliminary development plan submitted with this rezoning request includes six (6) freestanding two-story sixteen-plex buildings for a total of 96 residential units. The 96 units on 10.07 acres results in a gross density of just over 9.5 units per acre. This density is within allowances in the RP-3 district. Access is provided by a private drive.

**Architecture**

Preliminary elevations feature two-story buildings with asphalt shingled roofs and a half and half mixture of cultured stone veneer and "hardi-board" siding. Apartments take their entrances from internal breezeways, and each has its own covered porch. Stairway entrances include standing seam metal awnings.

**Site Drainage Issues**

This application has been the subject of a lengthy process of revision and review by the applicant and public works staff to address concerns regarding the adjacent flood plain. The recently adopted APWA 5600 standards require that buildings be located outside of the identified 100 year flood plain, and discourage the practice of raising portions of the property to amend the flood plain boundary. To address this requirement, the development plan has been revised by the applicant and reviewed by Public Works staff. The end result is a relocation of buildings and reduction in the number of units from the original proposal. Public Works staff has agreed to allow some minor fill within the floodplain in exchange for improvements to the existing creek channel south of the proposed development. This improvement has been verbally agreed upon by the developer and engineer; however, this agreement will need to be provided in writing in conjunction with submittal of the final development plan. Public Works staff has provided recommended stipulations of approval to ensure that their concerns are addressed.

9. **STAFF RECOMMENDATION:** Staff recommends that the Planning Commission forward the application to rezone the Jabez Development, Inc., Property, located on the southeast corner of the 167<sup>th</sup> Street and Waverly Road intersection, from A (Agricultural District) to RP-3 (Planned Garden Apartment District), to the City Council with a recommendation for approval, subject to the following stipulations:
  - a. The development shall be in accordance with Exhibit "A" (Site Plan) which is filed in the office of the Planning Commission Secretary at City Hall and which is incorporated by reference as if set out in full herein. In addition, the development shall comply with all regulations and standards of the City of Gardner unless specifically exempted by the Governing Body.
  - b. The development shall be limited to 96 units.
  - c. The location and geometrics of all driveways, public streets, and parking areas are subject to review and approval by Community Development Department staff.
  - d. Prior to the issuance of building permits, the Planning Commission shall approve a final development plan for this subject property.
  - e. Developer shall be responsible for modifications to the existing creek channel south of the proposed development, to ensure all buildings and related improvements are located outside the revised Johnson County mapped floodplain. All proposed building low opening elevations must be a minimum of two vertical feet above floodplain.
  - f. Improvements to the channel shall incorporate the Mid America Regional Council (MARC) BMP Manual "Natural Channel Design" methodologies. Prior to approval of construction plans, the developer will provide all-related engineering analyses for modifications to the channel and current floodplain. All engineering analyses will be subject to review and approval by Public Works staff.
  - g. All modifications to the existing channel are subject to all Federal, State, and local permit authorities. Copies of NPDES, 404, FEMA, and other applicable state and federal permit applications for this site and/or construction activities will be required with permit application for this project.

- h. Any rise in water surface elevation will be reviewed by staff to ensure that problems are not created for surrounding property owners.
- i. All channel and drainage improvements will be paid for solely by the developer.
- j. A copy of HOA Declaration of Restrictions must be provided and must contain restrictions and information about the stream setback corridor and stormwater BMP areas. This document must be submitted for review and approval prior to filing of plat.
- k. Constructed channel improvements associated with this development are the sole responsibility of the developer, but subject to review of the Engineering Department.

Chairman Koranda invited questions from the commissioners.

Commissioner Mertz asked how many parking spaces were indicated on the preliminary development plan, and how many were required. Planner Pollom stated that there were 186 parking spaces, the required number for the proposed buildings.

Chairman Koranda invited comments from the applicant. Engineer for the applicant Joel Riggs of Peridian Group, Inc., gave a brief presentation.

Director Sherman discussed the overall drainage of the general subject area and potential riparian corridors in that area.

Chairman Koranda invited comments from the public. There were no public comments.

Motion Schultz, second Mertz, to close the public hearing at 7:30 p.m.

Motion Carried: 6 to 0 Aye (Popp: Absent)

Motion Schultz, second Mertz, to forward the Rezoning Request for the Jabez Development, Inc., property (Z-06-09) and its associated Preliminary Development Plan for Granite Springs (south) (PDP-06-09) to the City Council with a recommendation for approval, subject to staff recommendations:

- a. The development shall be in accordance with Exhibit "A" (Site Plan) which is filed in the office of the Planning Commission Secretary at City Hall and which is incorporated by reference as if set out in full herein. In addition, the development shall comply with all regulations and standards of the City of Gardner unless specifically exempted by the Governing Body.
- b. The development shall be limited to 96 units.
- c. The location and geometrics of all driveways, public streets, and parking areas are subject to review and approval by Community Development Department staff.
- d. Prior to the issuance of building permits, the Planning Commission shall approve a final development plan for this subject property.
- e. Developer shall be responsible for modifications to the existing creek channel south of the proposed development, to ensure all buildings and related improvements are located outside the revised Johnson County mapped floodplain. All proposed building low opening elevations must be a minimum of two vertical feet above floodplain.
- f. Improvements to the channel shall incorporate the Mid America Regional Council (MARC) BMP Manual "Natural Channel Design" methodologies. Prior to approval of construction plans, the developer will provide all-related engineering analyses for modifications to the channel and current floodplain.

All engineering analyses will be subject to review and approval by Public Works staff.

- g. All modifications to the existing channel are subject to all Federal, State, and local permit authorities. Copies of NPDES, 404, FEMA, and other applicable state and federal permit applications for this site and/or construction activities will be required with permit application for this project.
- h. Any rise in water surface elevation will be reviewed by staff to ensure that problems are not created for surrounding property owners.
- i. All channel and drainage improvements will be paid for solely by the developer.
- j. A copy of HOA Declaration of Restrictions must be provided and must contain restrictions and information about the stream setback corridor and stormwater BMP areas. This document must be submitted for review and approval prior to filing of plat.
- k. Constructed channel improvements associated with this development are the sole responsibility of the developer, but subject to review of the Engineering Department.

Motion to Forward Carried: 6 to 0 Aye (Popp: Absent)

## 2. FDP-06-04

**Consider a Final Development Plan for University Park Multi-Family, the 188 unit first phase of a multi-family residential development located ½ mile northwest of the 167<sup>th</sup> Street/Moonlight Road intersection. The application is filed by Blvd. Development, L.L.C.; with engineering services provided by Peridian Group, Inc.**

Planner Pollom presented the staff report.

- 1. **APPLICANT:** The applicant is Blvd. Development, L.L.C.; with engineering services provided by Peridian Group, Inc.
- 2. **REQUESTED ACTION:** The applicant requests approval of a final development plan for a tract of land containing approximately 14.05 acres for planned multi-family residential development.
- 3. **LOCATION:** The property is located ½ mile northwest of the 167<sup>th</sup> Street and Moonlight Road intersection.
- 4. **EXISTING ZONING:** The property is zoned RP-3, Planned Garden Apartment District (Z-03-18).
- 5. **ANALYSIS:** The applicant requests approval of a final development plan for 188 units - the first phase of the University Park townhomes. This phase includes roughly the southern half of the approved preliminary development plan (PDP-06-07), plus a proposed clubhouse and swimming pool. The proposed layout of this final development plan adheres to the approved revision to the preliminary development plan.

### **Architectural Elements**

There are two different styles of elevations provided for the proposed townhomes. The townhomes are variations of three, four, five, six and eight-plex buildings. These five configurations utilize two separate architectural styles. The first style, labeled Type A, features elevations with entirely stucco faces, with slight recesses between garage doors for the main entrance. Roofs are pitched with asphalt shingles. The applicant has stated that these units are similar to the townhomes constructed in the Cottage Park development along S. Woodson Lane, which have a variety of materials featured on their front elevations. But a similar variety of materials was not indicated on the submitted elevations. No side or rear elevations were provided. The Type A elevations show a one-story ranch unit to provide more variety between buildings. This wider ranch unit is not shown in any of the building footprints on the submitted plan. Given the close proximity of these buildings, this unit could only be incorporated by reducing the number of units on a larger "standard" building.

The second style, Type B, includes a similar design; however, it indicates the use of several materials, including wooden lap siding, brick, stone veneer and stucco. Each individual unit is larger, and the garages protrude from the faces of the buildings for their full lengths. The sides and backs of these buildings are wood panel siding.

### **Future Platting and Infrastructure Design**

As with the Cottage Park development, staff expects the townhomes proposed in this final development plan to be subject to future platting to create separate lots for each of the units for individual sale. In the past, there have been changes to the development plans that occurred with these replats, which created considerable hardship for City crews and staff who design the layouts of infrastructure based upon the originally approved final development plans. Typically the requested changes are for the addition or removal of units, or shifting of the placements of

buildings, and at times these changes were in direct conflict with the original infrastructure designs. The submitted final development plan will serve as the document that guides infrastructure design for this property. Should future changes to this plan be requested after improvements are made to the property for extension of services, those plan revisions will be limited to changes that do not create conflicts.

**Ownership Flexibility**

Staff anticipates that there will be future requests to replat this property into individual lots for each unit to allow individual ownership, much like the townhomes in the Cottage Park development. The minimum side yard setback for this zoning district is seven feet. To allow lot lines to be platted between buildings in this zoning district without violating this setback, the minimum spacing of structures in this final development plan is shown at 15 feet.

**Clubhouse and Pool Details**

The applicant has not provided detailed elevations for the proposed clubhouse shown on this final development plan. Approval of this plan should not constitute approval of the architecture of the clubhouse, only its placement within the development. A separate development plan for the clubhouse and pool will be required before construction permits are issued.

**Final Platting**

This subject property is currently platted at Tract A, University Park Addition No. 1. This final plat was to establish the rights-of-way for both University Drive and White Drive, which have subsequently been constructed via benefit district. Other infrastructure improvements in this area have also been constructed via benefit district financing. The final assessments for these benefit districts have not yet been assessed and spread to the property.

This subject property will need to be re-platted before the issuance of building permits. By re-platting the property into individual tracts of land, it will help establish survey controls within the development for setting building footprint locations, and it will create individual parcels where the special assessments for the benefit districts can be spread on the property in a logical and equitable manner. Excise tax on this tract of land was not paid when University Park Addition No. 1 was filed.

6. **STAFF RECOMMENDATION:** Staff recommends that the Planning Commission approve the Final Development Plan for University Park Multi-Family Townhomes (FDP-06-04) with the following stipulations:
  - a. The development shall be in accordance with Exhibit "A" (Final Development Plan), and Exhibit "B" (Building Elevations) which are filed in the office of the Planning Commission Secretary and which are incorporated by reference as if set out in full herein. In addition, the development shall comply with all regulations and standards of the City of Gardner unless specifically exempted by the Governing Body.
  - b. The placement of utility easements is subject to review by Public Works staff to ensure proper provision of services.
  - c. Approval of FDP-06-04 does not constitute approval of the architectural design of the clubhouse. Separate plans, including architectural elevations and a detailed site plan, must be submitted and approved by the Planning Commission prior to this issuance of building permits for this structure.
  - d. The subject property shall be re-platted into individual tracts and the required excise tax shall be paid prior to the issuance of building permits.

Chairman Koranda invited questions from the commissioners. There were no questions from the commissioners.

Chairman Koranda invited comments from the applicant. Joel Riggs of Peridian Group, Inc., gave a brief presentation.

Commissioner Godwin asked if the density had been changed. Mr. Riggs stated that there had been no density changes since the approval of the preliminary development plan.

Commissioner Godwin asked if there would be any ranch style townhomes. Mr. Riggs stated that there would probably not be any ranch styles because one of the proposed styles provided ground level entries.

Director Sherman and the commissioners discussed the building elevations and materials. They also briefly discussed the indicated landscaping and paving plan.

Motion Mertz, second Burnett, to approve the Final Development Plan for University Park Multi-Family Townhomes (FDP-06-04), subject to staff recommendations and one additional condition of approval:

- a. The development shall be in accordance with Exhibit "A" (Final Development Plan), and Exhibit "B" (Building Elevations) which are filed in the office of the

Planning Commission Secretary and which are incorporated by reference as if set out in full herein. In addition, the development shall comply with all regulations and standards of the City of Gardner unless specifically exempted by the Governing Body.

- b. The placement of utility easements is subject to review by Public Works staff to ensure proper provision of services.
- c. Approval of FDP-06-04 does not constitute approval of the architectural design of the clubhouse. Separate plans, including architectural elevations and a detailed site plan, must be submitted and approved by the Planning Commission prior to this issuance of building permits for this structure.
- d. The subject property shall be re-platted into individual tracts and the required excise tax shall be paid prior to the issuance of building permits.
- e. The individual units of each building will use multiple building materials to provide a variety of elevation appearances, all utilizing the same material, architectural and color palettes for both building styles A and B as indicated in the site plan.

Motion to Approve Carried: 6 to 0 Aye (Popp: Absent)

## **V. Discussion**

### **1. 2006 Building Permit Activity**

Director Sherman distributed and briefly discussed the Residential Building Activity report for 2006. (Exhibit A)

## **VI. Adjourn**

Motion Schultz, second Godwin, to adjourn the meeting at 8:05 p.m.

Motion to Adjourn Carried: 6 to 0 Aye (Popp: Absent)

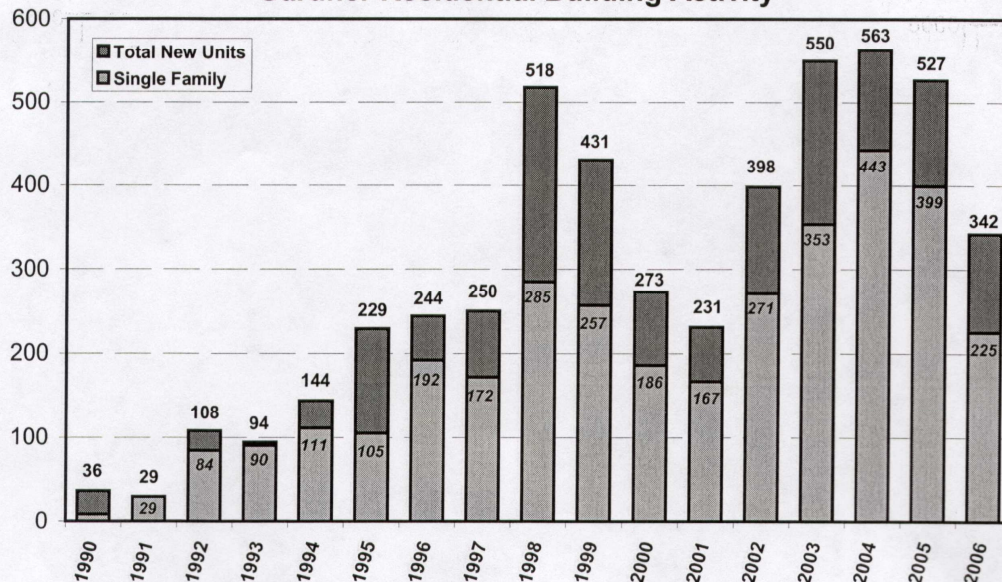
Cindy Weeks, Planning Service Specialist  
Community Development Department



**Exhibit A****City of Gardner, Kansas****Residential Building Permit Count & Population Estimate**

Year	Population	Total New Units	Single Family	Duplex Permits	Duplex Units	Multi-Family Permits	Multi-Family Units	New Mobile Home Units
1930	493							
1940	510							
1950	676							
1960	1,619							
1970	1,839							
1980	2,290							
1990	3,191	36	8	2	4	1	24	0
1991	4,350	29	29	0	0	0	0	0
1992	4,430	108	84	0	0	0	0	24
1993	4,718	94	90	2	4	0	0	0
1994	4,976	144	111	0	0	0	0	33
1995	5,359	229	105	0	0	15	57	67
1996	5,930	244	192	0	0	2	8	44
1997	6,580	250	172	17	34	0	0	44
1998	7,232	518	285	46	92	17	68	73
1999	8,538	431	257	46	92	4	44	38
2000	9,396	273	186	7	14	15	60	13
2001	10,122	231	167	5	10	9	46	8
2002	10,742	398	271	5	10	21	103	14
2003	11,800	550	353	41	82	19	112	3
2004	13,247	563	443	30	60	7	60	0
2005	14,776	527	399	30	60	7	68	0
2006	16,199	342	225	16	32	17	85	0
2007	17,101							

As of 1/1/2007

**Gardner Residential Building Activity**



**ATTENDEES**  
of the  
1-22, 2007  
PLANNING COMMISSION MEETING

**PLEASE SIGN**

**PLEASE PRINT**

NAME	COMPANY (if applicable)	ADDRESS
<i>Corey Scott</i>	<i>Genesis Development</i>	<i>PO Box 326 Gardner</i>